

AMENDED IN ASSEMBLY MAY 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1020**

**Introduced by Assembly Member Laird**

February 20, 2003

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An act to add Section 116747 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1020, as amended, Laird. Public water systems: civil actions: contaminants.

Existing law, the California Safe Drinking Water Act, requires the State Department of Health Services to administer provisions relating to the regulation of drinking water and public water systems. The department is required to adopt regulations to monitor contaminants.

This bill would authorize a public water system to bring a civil action against ~~the party~~ *a person, except as specified*, responsible for the presence of a contaminant in surface water or groundwater supplies utilized by the public water system for drinking water purposes, for designated costs to the public water system associated with the investigation, remediation, filtration, or treatment of water containing that contaminant.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 116747 is added to the Health and Safety Code, to read:

116747. (a) A public water system may bring a civil action against ~~any party~~ *a person* responsible for the presence of any contaminant in surface water or groundwater supplies utilized by the public water system for drinking water purposes, for the cost to the public water system associated with the investigation, remediation, filtration, or treatment of water containing that contaminant.

(b) The amount of the costs that are recoverable under subdivision (a) shall include, in addition to any other relief available in law or equity, all of the following:

(1) The reasonable costs of investigating the nature and extent of the contamination, and of investigating appropriate measures, including filtration or other forms of drinking water treatment, to prevent entry into the public water distribution system of the contaminant.

(2) The reasonable costs of designing, constructing, installing, operating, and maintaining any facilities, including, but not limited to, filtration or other forms of drinking water treatment, necessary to prevent the entry into the public water distribution system of the contaminant, including administration and overhead costs.

(3) Interest on the costs described in paragraphs (1) and (2), accrued from the date of expenditure. Interest shall be based on the average annual rate of return on the public water system's investment of surplus funds for the fiscal year in which costs were incurred.

(4) Reasonable attorney's fees and court costs.

(c) Notwithstanding any other provision of law, a public water system shall have three years from the date it incurs costs described in paragraphs (1) and (2) of subdivision (b) within which to file a civil action to recover those costs, interest pursuant to paragraph (3) of subdivision (b), and reasonable attorney's fees and court costs pursuant to paragraph (4) of subdivision (b).

(d) Any damages awarded pursuant to subdivision (b) are in addition to, and are not a restriction upon, the awarding of other

1 damages available under any other cause of action available to a  
2 public water system.

3 *(e) For purposes of this section, "person" does not include any*  
4 *of the following:*

5 *(1) A city, county, district, or other local agency, or a*  
6 *department or agency thereof, that is operating a facility for the*  
7 *production, storage, treatment, or transmission of water,*  
8 *wastewater, or stormwater.*

9 *(2) A city, county, district, or other local agency, or a*  
10 *department or agency thereof, that is discharging wastewater,*  
11 *recycled water, or stormwater, if the city, county, district, or other*  
12 *local agency, or a department or agency thereof, holds a discharge*  
13 *permit issued by the State Water Resources Control Board or a*  
14 *regional water quality control board.*

15 *(3) A city, county, district, or other local agency, or a*  
16 *department or agency thereof, or any customer thereof, that is*  
17 *using recycled water, if the city, county, district, or other local*  
18 *agency, or a department, agency, or customer thereof, holds a*  
19 *discharge, reclamation, or user permit issued by the State Water*  
20 *Resources Control Board or a regional water quality control*  
21 *board.*

